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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EVAN HIGHTOWER and ANN
ROSS, individually and on behalf of
other individuals similarly situated

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,
and DOES 1-10, Inclusive,

Defendants.

CASE NO. CV11-01802-PSG (PLAx)

2:11-cv-04294-PSG-PLAx
11-cv-6061-PSG-FMOX
11-cv-03428-PSG-PLAx
11-cv-08147-PSG-PLAx
11-cv-09727-PSG-JC

Hon. Philip S. Gutierrez

CLASS ACTION (FRCP 23)

**~~PROPOSED~~ ORDER
GRANTING JOINT
STIPULATION RE:
LEADERSHIP ORGANIZATION**

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~~Proposed~~ **Order**

ORDER

Having received and considered the Parties' Joint Stipulation Re: Leadership Organization, it is hereby ordered that:

1. The law firm of Marlin & Saltzman LLP is appointed as liaison counsel for Plaintiffs. Plaintiffs' liaison counsel is designated as the counsel for all Plaintiffs and putative class members in all cases upon whom all notices, orders, pleadings, motions, discovery, and memoranda shall be served. Plaintiffs' liaison counsel is authorized to: (a) receive orders, notices, correspondence, and telephone calls from the court and the clerk of the court on Plaintiffs' behalf, (b) prepare and transmit copies of such orders and notices on Plaintiffs' behalf, (c) receive orders and notices from the Court, and shall: (d) maintain complete files with copies of all documents served upon them and make such files available to all Plaintiffs' counsel, and (e) maintain and make available to all counsel and the court an up-to-date service list.

2. The law firms of Marlin & Saltzman LLP, Law Office of Rheuban & Gresen, Seeger Weiss, LLP and Initiative Legal Group APC are appointed as Co-Lead Counsel for all Plaintiffs and putative class members who held or currently hold the position of "teller", including opt-in plaintiffs, in the actions consolidated by this Court. In this capacity, Plaintiffs' Co-Lead Counsel shall jointly have the following duties during all phases of this litigation for this portion of the putative Class:

(a) to organize and supervise the efforts of Plaintiffs' counsel in a manner to ensure that the pretrial and trial preparation for Plaintiffs is conducted effectively, efficiently, expeditiously, and economically;

1 (b) to delegate work responsibilities and monitor the activities of Plaintiffs'
2 counsel to assure that schedules are met and unnecessary expenditures of time and
3 expense are avoided;

4 (c) to speak on behalf of Plaintiffs at all court conferences and hearings;

5 (d) to initiate and conduct discussions and negotiations with counsel for
6 Defendant on all matters, including settlement;

7 (e) to determine the position of Plaintiffs on all matters arising during the
8 litigation and present such position orally and/or in writing to the court and
9 opposing parties;

10 (f) to consult with and employ experts, as necessary, for Plaintiffs;

11 (g) to coordinate the initiation of and conduct discovery on behalf of
12 Plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure,
13 including the preparation of interrogatories and requests for production of
14 documents, the organization and review of documents produced by Defendant and
15 non-parties, and the examination of witnesses via deposition;

16 (h) to receive and initiate communication with the Court and the Clerk of
17 Court, including receiving orders, notices, correspondence and telephone calls;

18 (i) to be the primary contact for all communications between Plaintiffs and
19 Defendant;

20 (j) to perform such other duties as are necessary in connection with the
21 prosecution of this litigation;

22 (k) to coordinate the preparation and presentation of all of Plaintiffs' claims
23 and coordinate all proceedings; and

24 (l) to encourage full cooperation and efficiency among all Plaintiffs'
25 counsel; and

26 (m) to assess Plaintiffs' counsel for the costs of the litigation.

27 3. Marlin & Saltzman and the Law Office of Rheuban & Gresen
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1 shall serve as Co-Lead Counsel as to both the FLSA and California state law
2 claims of Plaintiffs and putative class members who hold or held the position of
3 "personal banker". In this capacity, Marlin & Saltzman and the Law Office of
4 Rheuban & Gresen shall have the following duties during all phases of this
5 litigation for this portion of the putative Class:

6 (a) to organize and supervise the efforts of Plaintiffs' counsel in a manner to
7 ensure that the pretrial and trial preparation for Plaintiffs is conducted effectively,
8 efficiently, expeditiously, and economically;

9 (b) to delegate work responsibilities and monitor the activities of Plaintiffs'
10 counsel to assure that schedules are met and unnecessary expenditures of time and
11 expense are avoided;

12 (c) to speak on behalf of Plaintiffs at all court conferences and hearings;

13 (d) to initiate and conduct discussions and negotiations with counsel for
14 Defendant on all matters, including settlement;

15 (e) to determine the position of Plaintiffs on all matters arising during the
16 litigation and present such position orally and/or in writing to the court and
17 opposing parties;

18 (f) to consult with and employ experts, as necessary, for Plaintiffs;

19 (g) to coordinate the initiation of and conduct discovery on behalf of
20 Plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure,
21 including the preparation of interrogatories and requests for production of
22 documents, the organization and review of documents produced by Defendant and
23 non-parties, and the examination of witnesses via deposition;

24 (h) to receive and initiate communication with the Court and the Clerk of
25 Court, including receiving orders, notices, correspondence and telephone calls;

26 (i) to be the primary contact for all communications between Plaintiffs and
27 Defendant;

28

1 (j) to perform such other duties as are necessary in connection with the
2 prosecution of this litigation;

3 (k) to coordinate the preparation and presentation of all of Plaintiffs' claims
4 and coordinate all proceedings; and

5 (l) to encourage full cooperation and efficiency among all Plaintiffs'
6 counsel; and

7 (m) to assess Plaintiffs' counsel for the costs of the litigation.

8 4. The law firms of Joseph, Herzfeld, Hester & Kirschenbaum LLP and
9 Harrison, Harrison & Associates, Ltd are appointed and shall serve as Co-Lead
10 Counsel as to the New York state law claims of Plaintiffs and putative Class
11 members. In this capacity, the law firms of Joseph, Herzfeld, Hester &
12 Kirschenbaum LLP and Harrison, Harrison & Associates, Ltd. shall have the
13 following duties during all phases of this litigation for this portion of the putative
14 Class:

15 (a) to organize and supervise the efforts of Plaintiffs' counsel in a manner to
16 ensure that the pretrial and trial preparation for Plaintiffs is conducted effectively,
17 efficiently, expeditiously, and economically;

18 (b) to delegate work responsibilities and monitor the activities of Plaintiffs'
19 counsel to assure that schedules are met and unnecessary expenditures of time and
20 expense are avoided;

21 (c) to speak on behalf of Plaintiffs at all court conferences and hearings;

22 (d) to initiate and conduct discussions and negotiations with counsel for
23 Defendant on all matters, including settlement;

24 (e) to determine the position of Plaintiffs on all matters arising during the
25 litigation and present such position orally and/or in writing to the court and
26 opposing parties;

27 (f) to consult with and employ experts, as necessary, for Plaintiffs;
28

1 (g) to coordinate the initiation of and conduct discovery on behalf of
2 Plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure,
3 including the preparation of interrogatories and requests for production of
4 documents, the organization and review of documents produced by Defendant and
5 non-parties, and the examination of witnesses via deposition;

6 (h) to receive and initiate communication with the Court and the Clerk of
7 Court, including receiving orders, notices, correspondence and telephone calls;

8 (i) to be the primary contact for all communications between Plaintiffs and
9 Defendant;

10 (j) to perform such other duties as are necessary in connection with the
11 prosecution of this litigation;

12 (k) to coordinate the preparation and presentation of all of Plaintiffs' claims
13 and coordinate all proceedings; and

14 (l) to encourage full cooperation and efficiency among all Plaintiffs'
15 counsel; and

16 (m) to assess Plaintiffs' counsel for the cost of the litigation.

17 5. All Plaintiffs' counsel shall keep contemporaneous records of their time
18 and expenses devoted to this matter. Those records shall reflect the date the legal
19 service was rendered or expenses incurred, the nature of the service or expense,
20 and number of hours consumed by the service or the amount of the expense. These
21 records for the preceding month shall be submitted in summary form by the end of
22 each month to Marlin & Saltzman LLP and to Initiative Legal Group APC. No
23 Plaintiffs' counsel shall incur an expense to be reimbursed from Plaintiffs'
24 assessment fund in excess of \$1500 without first obtaining the consent of one of
25 Plaintiffs' Co-Lead Counsel. Failure to comply with this rule may render the
26 expenses non-reimbursable, at the discretion of Co-Lead Counsel.

1 6. Any discussions of a settlement that would affect any claims brought in
2 this litigation, other than claims of an individual plaintiff or class member, must be
3 conducted by Plaintiffs' Co-Lead Counsel. Any proposed settlement that resolves,
4 in whole or in part, the claims brought in this action shall first be subject to review
5 and approval by the Court in this litigation.

6 IT SO ORDERED.

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9 DATED: December 28, 2011

PHILIP S. GUTIERREZ

Philip S. Gutierrez
United States District Judge